

### REMARKS

Claims 1-18 are pending in the present application. Claims 1, 4, and 5 have been amended and new claims 11-18 have been added to recite additional features of the invention. In addition, the specification has been amended to include a paragraph cross-referencing the parent of the present application.

Reconsideration of the application in view of the amendments above and the following Remarks is respectfully requested.

In the Office Action, claims 1-9 were rejected under 35 U.S.C. § 103(a) in view of an Eraslan-Gordon combination. This rejection is traversed for the following reasons.

Claim 1 covers a method for generating an image code defining a digital representation of a person's face. The method includes accessing a database of morphological elements, forming a representation of a predetermined facial image by combining morphological elements from the database, and then determining a facial image code based on the combined morphological elements.

The morphological elements define different parts of the facial image. The manner in which these elements are generated and then combined to form the image represents a substantial improvement in the art. In particular, claim 1 has been amended to recite that each of the morphological elements includes at least one element code which is based on: (a) a symbol representative of a facial feature, the symbol having one of a plurality of values indicative of variations of the facial feature and (b) "a first code factor having a value that equals or exceeds a

maximum value of the plurality of values indicative of the variations of the facial feature.” (See, for example, pages 10-14 for support). These features in (b) are not taught or suggested by the cited references, whether taken alone or in combination.

The Eraslan patent discloses a method for generating a composite code which defines a digital representation of a face. The composite code is formed from separate codes, each representing a different facial feature. More specifically, each code is formed from two numbers, i and j. Number “i” represents a facial feature part and number “j” represents a shape of the facial feature part identified by number i. (See column 13, lines 37-51 and column 14, lines 14-47).

An example of such a code is shown in Figure 26. Here, number “i” is assigned a value of 64 to represent, for example, the facial feature part of a person’s eyes. Number “j” is assigned a value of 84 to represent the shape of the person’s eyes. The Eraslan patent, however, does not teach or suggest “a first code factor having a value that equals or exceeds a maximum value of the plurality of values indicative of the variations of the facial feature” as recited in claim 1. Eraslan also fails to teach or suggest determining a facial image code from a combination of element codes, each based on a first code factor as recited in claim 1.

The Gordon article was cited for its disclosure of morphological elements. However, Gordon does not disclose that these morphological elements include element codes formed based on a first code factor as recited in claim 1. The Gordon article, therefore, fails to make up for the deficiencies of the Eraslan patent.

Applicants respectfully submit that the foregoing differences are sufficient to render claim 1 and its dependent claims non-obvious and thus patentable over an Eraslan-Gordon combination.

Claim 9 recites a computer software product that includes a medium readable by a processor. The medium stores “qualifier information of a plurality of spatial relationships between said plurality of elements. These features are not taught or suggested by the cited references.

The Eraslan patent discloses providing codes for different facial features in an image. Each code includes a number “i” representing the facial feature and a number “j” representing a shape of the facial feature. See column 13, lines 39-41, which provides: The “j” number 1402 corresponds to a particular shape of a general facial feature part. However, neither number (i or j) indicates a “spatial relationship between” the different facial feature parts which the Examiner has alleged are represented by composite codes 3405. Instead, Eraslan discloses that the facial feature parts represented by i and j are mapped onto predetermined positions on a 3-D image of a person’s face, using a fiducial point template. (See column 13, lines 56-67).

Without a teaching or suggestion of qualifier information that designates a plurality of spatial relationships between said plurality of elements, it follows that the Eraslan system also does not execute “a sequence of instructions which . . . causes said processor to connect at least one element to at least one spatial relationship, wherein said sequence of instructions includes, as an attribute, combining at least other element with at least one other spatial relationship with said

at least one element and at least one spatial relationship, wherein said combining forms a facial image” as further recited in claim 9.

The Gordon article was cited for disclosure of morphological elements. Like Eraslan, Gordon also fails to teach or suggest the specific type of qualifier information recited in claim 9 and the features related thereto.

Applicants respectfully submit that the foregoing differences are sufficient to render claim 9 non-obvious and thus patentable over an Eraslan-Gordon combination.

Claim 10 was rejected under 35 U.S.C. § 102(e) for being anticipated by the Eraslan patent. This rejection is respectfully traversed for reasons similar to those discussed above, e.g., the Eraslan patent does not disclose “displaying elements linked with a selected spatial relationship in sequence according to the user's selection using the link information, if an element is selected for browsing; and displaying spatial relationships which describe elements linked with a selected spatial relationship in sequence according to the user's selection using the link information.” (Emphasis added). It is respectfully submitted that claim 10 is allowable based on these differences.

New claims 11-15 have been added to the application.

Claim 15 recites (a) multiplying a facial code by a first code factor corresponding to a pictorial entity representing a facial feature, the first code factor having a value that equals or exceeds a maximum value of a plurality of values indicative of variations of the facial feature; (b) adding a value of a symbol corresponding to the pictorial entity to the facial code; (c) repeating

(a) and (b) for one or more additional pictorial entities, each corresponding to a different facial feature; and (d) combining results of (a) - (c) to form a facial code that corresponds to the digital representation of the face. (See, for example, pages 12-14 for support with reference to Figure 4). These features are not taught or suggested by the Eraslan patent and Gordon article, whether taken alone or in combination. Accordingly, it is submitted that claim 15 is allowable.

Claim 16 recites that the pictorial entity symbol corresponds to one of the plurality of values indicative of variations of the facial feature and is less than said maximum value. These features are not taught or suggested by the Eraslan patent and Gordon article, whether taken alone or in combination.

Claim 17 recites the following features after (b): identifying an additional symbol corresponding to the facial feature and related to the pictorial entity; multiplying the facial code by a second code factor corresponding to the additional symbol, the second code factor having a value that equals or exceeds a maximum value of a plurality of values indicative of variations of the pictorial entity; and adding a value corresponding to the additional symbol to the facial code. These features are not taught or suggested by the Eraslan patent and Gordon article, whether taken alone or in combination.

Claim 18 recites that the additional symbol is an image qualifier symbol indicating a position of the facial feature represented by the pictorial entity in the digital representation of the face. These features are not taught or suggested by the Eraslan patent and Gordon article, whether taken alone or in combination.

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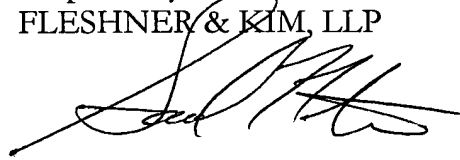
Amendment dated April 24, 2006

Response to Office Action dated November 23, 2005

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and allowance of the application is respectfully requested.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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